

United States Courts
Southern District of Texas
ENTERED

OCT 17 2006

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

THE GOODYEAR TIRE &
RUBBER COMPANY,

Defendant.

CIVIL ACTION

FILE NO.

06 - 3287

CONSENT JUDGMENT

Plaintiff has filed her complaint and Defendant, without admitting it has violated any provision of the Fair Labor Standards Act of 1938, has agreed to the entry of judgment without contest. It is, therefore, upon motion of Plaintiff and for cause shown,

ORDERED, ADJUDGED and DECREED that Defendant, its officers, agents, servants, employees and all persons in active concert or participation with Defendant be and they hereby are permanently enjoined and restrained from violating the provisions of sections 7 and 15(a)(2) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., hereinafter referred to as the Act, in any of the following manners:

1. Defendant shall not, contrary to sections 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2) employ any employee in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than forty (40) hours, unless the employee receives compensation for his or her employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which he or she is employed.

2. Defendant is hereby enjoined and restrained from withholding payment of overtime compensation in the total amount of \$227,792.61 for the period October 16, 2004 through October 15, 2006, which the Court finds is due under the Act to Defendant's employees named in Exhibit A attached hereto.

a. To comply with this provision of the judgment, Defendant, within thirty (30) days from entry of this judgment, shall deliver to each employee the amount of backwages due such employee less the employee's share of social security and income tax deductions.

b. Within sixty (60) days from entry of this judgment, Defendant shall provide Plaintiff with a copy of the check or payroll used to disburse the backwages and a statement attesting to the fact that such payment has been made.

c. Within sixty (60) days from entry of this judgment, Defendant shall deliver to Plaintiff a check payable to "Wage and Hour Division-Labor" in the total amount due to all employees who cannot be located, or who refuse to accept or cannot be paid for any reason, less the employee's share of social security and income tax deductions, the proceeds of which check Plaintiff shall distribute to the employees. In the event that any of said money cannot be distributed within the period of three (3) years hereof because of inability to locate the proper person, or because of their refusal to accept such sums, Plaintiff shall deposit such funds with the U.S. Treasury.

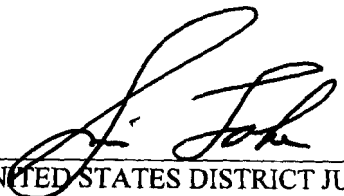
d. Defendant shall not under any circumstances accept or keep any amount returned to it by a person owed compensation under this judgment. Any such amounts shall be immediately paid to Plaintiff.

It is further ORDERED that the right of any and all of Defendant's employees not specifically named in Exhibit A attached hereto to bring an action under Section 16(b) of the Fair Labor Standards Act 29 U.S.C. §216(b), shall be restored and that neither the filing of this action nor the entry of this judgment shall be a bar to such action and that the statute of limitations in such action shall be deemed tolled during the pendency of this action. The parties agree that the instant action is deemed to cover the period from October 16, 2004 through October 15, 2006.

The parties therefore agree that the filing of this action and provisions of this judgment shall not be interpreted so as to prejudice or preclude the legal rights of the Secretary of Labor or of any employees of defendants in any action filed by the Secretary of Labor or by such employee under the Act covering violations alleged to have occurred after October 15, 2006.

It is further ORDERED that each party agrees to bear his or her own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding, including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

Dated this 17th day of October, 2006.


UNITED STATES DISTRICT JUDGE

APPROVED FOR DEFENDANT:

BY:



TERESA S. VALDERRAMA
Attorney for Defendant
The Goodyear Tire & Rubber Company

Baker Botts L.L.P.
910 Louisiana Street
Houston, Texas 77002
Telephone: (713) 229-1860
Facsimile: (713) 229-7860


APPROVED FOR PLAINTIFF:

HOWARD M. RADZELY
Solicitor of Labor

WILLIAM E. EVERHEART
Regional Solicitor

MARGARET TERRY CRANFORD
Counsel for Wage and Hour

BY:


C. ELIZABETH FAHY
Illinois Bar No. 6273260
Attorney-in-Charge

Attorneys for Plaintiff
U. S. Department of Labor
Office of the Solicitor
525 South Griffin Street, Suite 501
Dallas, Texas 75202
Telephone: (972) 850-3100
Facsimile: (972) 850-3101

EXHIBIT A

Secretary of Labor v. The Goodyear Tire and Rubber Company

| | | | |
|-----------------------|--------------------------|----------------------|-----------------------|
| ADVANI,DILIP | BOYD,ROBERT W | CROW,EUGENE B | FARMER,GARY W |
| AGUILAR,ROEL S | BRASFIELD II,GRANVILLE G | CRUTCHER,PHILLIP G | FELPS,ROGER L |
| AHRLETT,ALBERT G | BRINKLEY,DANNY W | CUELLAR,RICKIE R | FIELDING, RICHARD |
| ALBERTS,DONALD E | BROOKS JR,HARVEY L | CUNNINGHAM, RICHARD | FINDLEY,GARRY L |
| ALVAREZ,CARLOS | BROUSSARD,RUDY P | CUNNINGHAM,STEPHEN L | FLORES,ERNEST H |
| APGAR, JEFFREY | BROWNLEE,RONNIE L | CZEREWATY,BRIAN P | FORTSON,JAMES E |
| ARP,TRAVIS W | BULANEK, JIMMY | DAVIS,ALPHONSE | FOWLER, RAYMOND |
| ARPS,JAMES C | BURTON, REGINALD | DAVIS,RONALD A | FRAME,TIMOTHY |
| ASKEW,ARGUSTER L | BUTLER JR,WELDON E | DE LEON, DELIA | FRASER,DAVID L |
| BACA,JAMES A | CALVILLO,MARIO | DE LEON,ROLAND | FULKERSON,JEFFREY L |
| BARNES JACKIE | CARTER,DONALD L | DELA PAZ,RODOLFO F | GAMBOA JR,LUIS A |
| BARRAS,WENDELL R | CARTER,LARRY M | DELGADO RICHARD | GARCIA JORGE |
| BARTOSH,RICHARD B | CASTELLANOS,CARLOS | DILLARD,CRAIG T | GARCIA,ALFREDO S |
| BATTISE,ANNIE P | CHACHERE,VENITA L | DRUMMOND,ARTHUR W | GARY III,DAVID H |
| BEASLEY,DEBRA J | CHVATAL,KENNETH E | DUKE,DENNIS M | GEE, STEVEN |
| BENNETT,DARRELL | COBB,JAMES R | DYSON,DAVID D | GENT,EDWARD B |
| BITNER,DARYL E | COLLINS,FRANCIS E | ELIZONDO,DAVID A | GEROLD,HARRY A |
| BLANCO,ANTONIO M | COOPER,DOUGLAS G | ENIS,GERRI L | GIBSON,J D |
| BOYD,CHARLES D | COOPER,HENRY L | ENIS,JAMES W | GLOSTON,ARRELL J |
| BOYD,KEITH B | CROSS,MICHAEL S | EVANS,TROY R | GOBEA,MARIO M |
| | | | |
| GONZALES,ELI A | JACKSON,JIMMIE J | MAZAHERI,SIAMAC | PATTERSON,CRAIG A |
| GREEN,GUY D | JACOB, JOSEPH | MCCAFFREY,SARA B | PENA,FRANCISCO C |
| GRIFFIN,RONALD D | JAMISON,KENNETH B | MCDANIEL,JESSE L | PEREZ, GEORGE |
| GUELKER,GENE | JONES,GARY | MCFADDEN JR,LEE R | PEREZ,ADAM C |
| GUISE,LAWRENCE H | JORDAN,JIMMIE C | MCGILL,LEON | PEREZ,GILBERTO |
| HAMPTON,DARYL P | JUSTICE,JUDY C | MCWHORTER,EUGENE A | PIECE,EDWIN |
| HANNIBAL SR,WENDELL D | KILPATRICK,RANDY T | MELDRUM,DARRELL W | RANDOLPH, RALPH |
| HARIAN,CARLOS R | LARUE,PRESTON G | MENEFEE III,THOMAS N | RICE,DOYLE E |
| HARPER,CLYDE E | LASKOSKIE,RALPH G | MEZZELL,THOMAS E | RILEY,JOHN J. |
| HART,CRAIG A | LAZO,LEONARD L | MILLICAN,WESLEY T | RILEY,MARC A |
| HASELOFF,BILLY W | LEAL,RAYMOND | MITCHELL,CHARLES | ROEDER,RALPH W |
| HATFIELD,JAMES H | LEWIS,JIMMY L | MITSCHKE,PAUL R | RUBIN,SAMPSON |
| HENDERSON,NANCY E | LIGONS,ROBERT A | MONN,ROBERT J | RUIZ JR,ROSENDO |
| HERNANDEZ,JOE A | LONG,GARY D | MONTEILH,DARON T | RYLEE,CHARLES E |
| HERNANDEZ,MICHAEL A | LOPEZ JR,ABELARDO | MONTEZ,JOE M | SALDUA,JOHN R |
| HIGGINS II,PAUL C | LOPEZ,RUBEN | MONTGOMERY,E. RAY | SALINAS,RALPH |
| HINES,KATHY L | LOZANO JR,BALDEMAR | MOORE,CHESTER E | SANCHEZ,JESSE J |
| HOEHNE III,OSCAR F | LYNCH,LARRY W | MUHAMMAD,CYNTHIA J | SCHUMANN,CRAIG G |
| HOEHNE,PHILLIP M | MALONE,DENNIS D | NEWHOUSE,EDWARD L | SCHWARTZ,BETTY L |
| HOLAN,DONALD R | MANCHA,OSCAR | NICHOLS,TEDDY A | SCHWARTZ,BOBBY D |
| HOLLINS,MARTIN E | MANNING,LARRY | NORRIS,JAMES E | SEGURA JR,MARCELINO M |
| HOOCK,PATRICK L | MANTHEY,BRUCE W | OLIVER,JERRY D | SHABAZZ,SHAKKA K |
| HOWSE JR,ROY H | MARTIN,THERON W | OPENSHAW,ROBERT W | SHELTON, TOMMY JR |
| HUGHES,JAMES D | MARTINO,RICHARD M | PALMER,DAVID B | SMITH,JERRY W |

EXHIBIT A

Secretary of Labor v. The Goodyear Tire and Rubber Company

| | |
|--------------------|-----------------------|
| SMITH,PATRICK V | WARNER,JIM H |
| SNELL,JAMES A | WARREN,LAWRENCE T |
| SNYDER,WILLIAM E | WATERS,DEMETRIA G |
| SORENSEN,DANA F | WEHBA,ERNEST S |
| SOUTHARD,STEFFEN J | WESTMORELAND,GORDON C |
| SPEARS,THOMAS D | WHITE JR,OSCAR |
| SPECHT,DONALD W | WILKINS,MELVIN R |
| STEVENS,RONALD E | WILLIAMS,HELEN Y |
| STONE,ROY M | WILLOUGHBY,MICHAEL D |
| STUBBS,JAMES R | WINSTEAD,MICHAEL C |
| SUZA,JACK W | WISNISKE JR,ALBIN M |
| TELLEZ,NASARIO | YANCY JR,JOHN W |
| TORRES,JESUS C | YOUNG,KENNETH W |
| TUNCHEZ,JESUS | ZAPATA DAVID |
| UBERNOSKY,WESLEY A | ZIENTEK,PATRICK J |
| VASQUEZ,ARTURO | |
| WADLINGTON,JOHN R | |
| WAKELAND,BRENDA L | |
| WALL,JOHN T | |
| WALLACE,DAVID R | |